

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BNSF Railway Company	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 21-cv-3072
	)	
Town of Cicero, Illinois	)	
	)	
Defendant.	)	

**PLAINTIFF BNSF RAILWAY COMPANY’S MOTION FOR SUMMARY JUDGMENT**

Plaintiff BNSF Railway Company (“BNSF”) hereby moves this Court, pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment in BNSF’s favor. In support thereof, BNSF states as follows:

1. BNSF is entitled to summary judgment in its favor on all counts of its Complaint for Declaratory Judgment and Injunctive Relief (June 8, 2021), ECF No. 1, for the reasons set forth in BNSF’s Memorandum in Support of its Motion for Summary Judgment.

2. BNSF hereby incorporates by reference its Memorandum in Support of its Motion for Summary Judgment and its Local Rule 56.1 Statement of Undisputed Facts and all exhibits thereto, which are filed in conjunction with this Motion.

WHEREFORE, BNSF requests that this Court grant its motion, enter a final judgment in BNSF’s favor, issue a declaratory judgment that the Sewer Rate Ordinance, Cicero Code of Ordinances § 98-266(3), is invalid under federal law, permanently enjoin enforcement of the Sewer Rate Ordinance, award BNSF its costs and fees upon further motion, and grant such other or further relief as this Court deems proper.

Dated: October 7, 2021

Respectfully submitted,

**BNSF RAILWAY COMPANY,**

By: /s/ Renato Mariotti

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***Attorneys for Plaintiff***

**CERTIFICATE OF SERVICE**

I, Renato Mariotti, hereby certify that on October 7, 2021, I electronically filed the foregoing MOTION FOR SUMMARY JUDGMENT with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to all counsel of record in this matter.

/s/ Renato Mariotti